

1 MARK WINDSOR (No. 190589)
2 16 N. Marengo Street, Suite 300
3 Pasadena, California 91101
4 Telephone (626) 792-6700
5 Facsimile (213) 232-3609
6 markwindsor@lawyer.com
7 Attorney for Defendant, Ivan Quezada

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 **UNITED STATES OF AMERICA,**)
12 Plaintiff,)
13 **v.**)
14 **IVAN QUEZADA,**)
15 Defendants.)

CASE NO. CR 08CR1191-7-GW
SENTENCING MEMORANDUM

Date: May 24, 2010
Time: 8:00 a.m.

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18 Ivan Quezada, by and through his counsel of record, Mark Windsor, here files his
19 position re sentencing and objections to the pre sentence report in this matter. These are
20 based on the attached memorandum, and such further documents, evidence, and argument
21 as the court may permit.
22

23 DATED: May 10, 2010

Respectfully Submitted,

24 _____/s/_____
25 Mark Windsor
26 Counsel for Mr. Quezada
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I.**INTRODUCTION**

Mr. Quezada has pled guilty, pursuant to a written plea agreement filed with the court, to Count Five of the indictment charging a violation of 18 U.S.C. §1959(a)(3), violent act in aid of racketeering. Mr. Quezada submits that a sentence of time served with forthwith release is sufficient in this case.

II.**OBJECTIONS TO THE PRESENTENCE REPORT****Guidelines Calculations**

Mr. Quezada concurs in the calculations of the PSR.

Factual Objections

(1) On page 15 at paragraph 84, the probation officer states, “During a June 25, 2002 placement interview, placement personnel discovered that the defendant had a history of self-mutilation and arson. A psychological evaluation was requested. In the evaluation, the issues of arson and self-mutilation were addressed, but the psychologist did not believe either of these issues were a present danger to the defendant.” In point of fact, the evaluating psychologist concluded, based upon interviews with Mr. Quezada and past treatment providers, as well as review of relevant reports, that Mr. Quezada exhibited no signs of predisposition toward arson or self-mutilation. We therefore ask that any reference in the report to arson

1 or self-mutilation be stricken.

2 (2) On the cover page of the report, under Release Status, the report lists
3 Mr. Quezada as having been in federal custody since April 24, 2009. Mr. Qezada
4 was arrested on April 20, 2009 in this case. He should be listed as having been in
5 custody since that date.
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7 **Criminal History Calculation Objections**

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9 The probation officer assigns Mr. Quezada nine criminal history points, all
10 under section 4A1.1 (c) of the Guidelines. The maximum allowable points under
11 4A1.1(c) is four. Therefore, Mr. Quezada's criminal history calculation should be
12 based upon four criminal history points, which should result in a criminal history
13 category of III. This is appropriate in any event, as his criminal history is
14 overrepresented at any higher category.
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17 **Specific Offense Characteristics**

18 Mr. Quezada does not concur with nor agree to the characterizations
19 expressed by the probation officer with regard to the Eastside Gang in paragraphs
20 11-14 of the report.
21

22 **III.**

23 **THE INDIVIDUAL BEFORE THE COURT**

24
25 Mr. Quezada is 24 years old and the father of a daughter born while he was
26 in custody in this case. His only adult conviction of any gravity was for the
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28

1 identical conduct underlying the count of conviction in this case.

2 **IV.**

3 **RECOMMENDED SENTENCE**

4
5 After considering the factors of 18 U.S.C. § 3553(a), the United States
6 Sentencing Guidelines, and the additional factor addressed above, this Court
7
8 should sentence Mr. Quezada to a term of 13 months with the express indication
9 that this sentence is credit for time served, and with an order that he be released
10 forthwith. I have spoken to counsel for the government, in the form of AUSA
11 Mark Aveis, who concurs with this sentencing recommendation.
12

13
14 Respectfully submitted,

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17 Dated: _____ May 10, 2010 _____

18 _____/s/_____
19 MARK WINDSOR
20 Attorney for Ivan Quezada
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